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(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. _____

To amend the Federal Election Campaign Act of 1971 to protect uncompensated Internet activity by individuals from treatment as a contribution or expenditure under the Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HENSARLING introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Election Campaign Act of 1971 to protect uncompensated Internet activity by individuals from treatment as a contribution or expenditure under the Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Blogger Protection Act
5 of 2008”.

1 **SEC. 2. EXEMPTION OF UNCOMPENSATED INDIVIDUAL**
2 **INTERNET ACTIVITY FROM TREATMENT AS**
3 **CONTRIBUTION OR EXPENDITURE.**

4 (a) EXEMPTIONS.—

5 (1) EXEMPTION FROM TREATMENT AS CON-
6 TRIBUTION.—Section 301(8)(B) of the Federal Elec-
7 tion Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is
8 amended—

9 (A) by striking “and” at the end of clause
10 (xiii);

11 (B) by striking the period at the end of
12 clause (xiv) and inserting “; and”; and

13 (C) by adding at the end the following new
14 clause:

15 “(xv) any uncompensated personal services re-
16 lated to Internet activities, or use of equipment or
17 services for uncompensated Internet activities, that
18 are engaged in by any individual, group of individ-
19 uals, or corporation wholly owned by one or more in-
20 dividuals that engages primarily in Internet activi-
21 ties and does not derive a substantial portion of its
22 revenue from sources other than income from its
23 Internet activities, other than—

24 “(I) any payment for a public communica-
25 tion (other than a nominal fee),

1 “(II) any payment for the purchase or
2 rental of an email address list made at the di-
3 rection of a political committee, or

4 “(III) any payment for an email address
5 list that is transferred to a political com-
6 mittee.”.

7 (2) EXEMPTION FROM TREATMENT AS EXPEND-
8 ITURE.—Section 301(9)(B) of such Act (2 U.S.C.
9 431(9)(B)) is amended—

10 (A) by striking “and” at the end of clause
11 (ix);

12 (B) by striking the period at the end of
13 clause (x) and inserting “; and”; and

14 (C) by adding at the end the following new
15 clause:

16 “(xi) any uncompensated personal services re-
17 lated to Internet activities, or use of equipment or
18 services for uncompensated Internet activities, that
19 are engaged in by any individual, group of individ-
20 uals, or corporation wholly owned by one or more in-
21 dividuals that engages primarily in Internet activi-
22 ties and does not derive a substantial portion of its
23 revenue from sources other than income from its
24 Internet activities, other than—

1 “(I) any payment for a public communica-
2 tion (other than a nominal fee),

3 “(II) any payment for the purchase or
4 rental of an email address list made at the di-
5 rection of a political committee, or

6 “(III) any payment for an email address
7 list that is transferred to a political com-
8 mittee.”.

9 (b) INTERNET ACTIVITY DEFINED.—Section 301 of
10 such Act (2 U.S.C. 431) is amended by adding at the end
11 the following new paragraph:

12 “(27) INTERNET ACTIVITY.—The term ‘Internet ac-
13 tivity’ includes sending or forwarding electronic messages,
14 providing a hyperlink or other direct access to another per-
15 son’s Web site, blogging, creating, maintaining, or hosting
16 a Web site, paying a nominal fee for the use of another
17 person’s Web site, and any other form of communication
18 distributed over the Internet.”.

19 **SEC. 3. COVERAGE OF BLOGS AND OTHER INTERNET AND**
20 **ELECTRONIC PUBLICATIONS UNDER GEN-**
21 **ERAL MEDIA EXEMPTION.**

22 Section 301(9)(B)(i) of the Federal Election Cam-
23 paign Act of 1971 (2 U.S.C. 431(9)(B)(i)) is amended by
24 inserting “including any Internet or electronic publication
25 (including a blog),” after “periodical publication,”.